

121/1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-45995-2023 (O&M)
Date of decision : 02.04.2025**

Surinder Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Jaswal, Advocate,
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

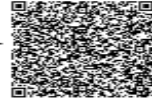
Mr. Ankit Bhardwaj, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No. 95 dated 27.08.2019 (P-1) under Sections 326, 324, 452, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Khilchian, District Amritsar Rural, along with all subsequent proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 10.08.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners formed an unlawful assembly and in prosecution of their common object trespassed into the premises of the *de facto*-complainant-Balwinder Singh and inflicted grievous injuries on his person.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as subsequent proceedings deserve to be quashed.



4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

5. Still further, learned State Counsel, on instructions from the concerned police officer, is not averse in case the above FIR along with subsequent proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. A Co-ordinate Bench, on 14.09.2023, passed the following order:-

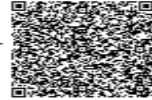
“ The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioners seeking quashing of FIR No. 95 dated 27.08.2019, registered for offences punishable under Sections 326, 324, 452, 148, 149 IPC, at Police Station Khilchain, District Amritsar Rural.

Learned counsel for the petitioners contends that the matter already stands compromised vide compromise (Annexure P-2).

Notice of motion for 02.11.2023.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Ankit Bhardwaj, Advocate appears and files his memorandum of appearance on behalf of respondent No. 2 and admits the fact of there being a compromise between the parties.

In view of the above, both the parties are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 04.10.2023. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record their statements and furnish its report to this



Court by the next date of hearing on the following aspects:-

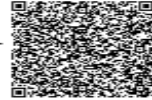
- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Duty Magistrate/Illaq Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 16.04.2024 has been received from learned Judicial Magistrate First Class, Baba Bakala Sahib, District Amritsar. For reference, the operative part of report reads as under:-

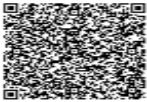
- “ 1. From the statement of the IO, there are only five person arraigned as accused in the FIR namely Surinder Singh, Kulwinder Singh @ Ninder Singh, Sohan Singh @ Soni @ Sonu, Gurcharan Singh and Mahinder Singh.*
- 2. From the statement of IO, none of the accused have been declared P.O.*
- 3. From the statements of the parties, it appears that the settlement is genuine and is arrived at without any coercion or undue influence.*
- 4. As per statement of IO, the accused is not involved in any other case.*
- 5. From the statement of IO, Balwinder Singh is the only complainant/victim in the present FIR. ”*



A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

9. Hon'ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case



would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

11. Consequently, present petition is allowed; aforesaid FIR along with all subsequent proceedings resulting therefrom are quashed *qua* the petitioners.

Pending application(s), if any, shall also stand disposed off.

02.04.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned	:	Yes	/	No
Whether reportable	:	Yes	/	No